

Notice of Allowability	Application No.	Applicant(s)	
	09/159,172	ENNIS, FRANCIS A.	
	Examiner	Art Unit	
	David A Saunders, PhD	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and disclaimer filed 11/5/04.
2. ☒ The allowed claim(s) is/are 32 and 34-53.
3. ☒ The drawings filed on 23 September 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/5/04 has been entered.

The amendment and disclaimer file 11/5/04 have overcome all grounds of rejection previously stated.

2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Collins on 2/7/05.

The application has been amended as follows:

In claim 32, line 3 and claim 48, line 2 changed "a human" to --one or more human subjects--.

In claims 32 and 48, line 12 of each, inserted a comma after each recitation of "cells".

In claim 35, line 14, after "antigen", inserted --of each distinct vaccine composition--.

In claim 35, line 16 changed "isolated" to --selected--.

In claims 40 and 51, line 3 of each, changed "formulation" to --formation-.

3) The following is an examiner's statement of reasons for allowance: The changes to claims 32, 35 and 48, while not necessary for the understanding of the claims, have been made to

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provide for better consistency within each claim. The changes to claims 40 and 51 have corrected an obvious typographical error; compare to original claim 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

- 4) Regarding the drawings, the draftsman has not reviewed these. They are considered acceptable by the examiner. Drawings are no longer subject to review by a draftsman.
- 5) Claim renumbering at issue is shown in the copy of the index of claims below examiner's signature.
- 6) Any inquiry concerning this communication from the examiner should be directed to David A Saunders, PhD whose telephone number is 571-272-0849. The examiner can normally be reached on Mon.-Thu., 8:00 am-5:30 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAS

*David A. Saunders*DAVID SAUNDERS
PRIMARY EXAMINERART UNIT ~~132~~ 1644

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input checked="" type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original		
	1		31		61		91		121		151		181		
	2	1	32		62		92		122		152		182		
	3		33		63		93		123		153		183		
	4	2	34		64		94		124		154		184		
	5	7	35		65		95		125		155		185		
	6	8	36		66		96		126		156		186		
	7	9	37		67		97		127		157		187		
	8	10	38		68		98		128		158		188		
	9	11	39		69		99		129		159		189		
	10	12	40		70		100		130		160		190		
	11	13	41		71		101		131		161		191		
	12	14	42		72		102		132		162		192		
	13	15	43		73		103		133		163		193		
	14	3	44		74		104		134		164		194		
	15	4	45		75		105		135		165		195		
	16	5	46		76		106		136		166		196		
	17	6	47		77		107		137		167		197		
	18	16	48		78		108		138		168		198		
	19	17	49		79		109		139		169		199		
	20	18	50		80		110		140		170		200		
	21	19	51		81		111		141		171		201		
	22	20	52		82		112		142		172		202		
	23	21	53		83		113		143		173		203		
	24		54		84		114		144		174		204		
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	28		58		88		118		148		178		208		
	29		59		89		119		149		179		209		
	30		60		90		120		150		180		210		